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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,801	11/13/2001	Ron Craik	45207.1	6109
31209	7590	05/13/2005	EXAMINER	
DONALD V. TOMKINS C/O TOMKINS LAW OFFICE 740, 10150 - 100 STREET EDMONTON, AB T5J 0P6 CANADA			AVELLINO, JOSEPH E	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,801

Applicant(s)

CRAIK, RON

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 are presented for examination; claims 1, 10, and 25 independent.

The Office acknowledges the addition of claims 21-25.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1, 10, and 25 recite inoperable subject matter. These claims recite a read-write memory chip, which stores an unalterable identification number. This is impossible on a read-write memory chip since the point of a read-write memory chip is the ability to write to the memory chip. Correction is required. For examination purposes, this limitation will be interpreted as a read-write memory chip only.

5. Claims 1, 10, and 25 recite that the memory button is mounted in proximity to a selected component. The use of the term "proximity" is one of a degree. It is unable to be determined from the scope of the claim as to how close a memory button must be in order to be considered "in proximity to". Correction is required. For examination purposes the term "in proximity to" means within communication distances.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 9-16, 18, 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Yacoob (USPN 6,170,742).

7. Referring to independent claims 1 and 10 (e.g. exemplary claim 10), Yacoob discloses a method of storing and retrieving inspection and maintenance information (e.g. abstract) regarding an equipment unit (i.e. aircraft, Figure 2), said method comprising the steps of:

- a. A portable computing device having a memory and a user interface whereby a user may enter user-defined data and commands into said memory (e.g. on board computer) (Figure 27; col. 22, lines 44-67);
- b. providing a memory button (i.e. computer readable medium), each comprising;
 - i. a read-write memory chip (i.e. an inherent feature of a smart-card);
 - ii. an armored casing contained encasing the memory chip and comprising contact means electrically connected to the memory chip (the Office takes the term armored to be construed as enveloped in a protective coating) (i.e. the car) (Figure 27);

Art Unit: 2143

- b. installing said memory button on or in the equipment unit in convenient proximity to a selected inspection and maintenance point (Figure 27);
- c. providing a memory button probe said probe being electronically connectable to the portable computing device by means of a first data link, said memory button probe having contact means adapted for contacting engagement with the contact means of a selected memory button so as to transfer data from the portable computing device to the selected memory button, or from the selected memory button to the portable computing device (col. 22, lines 61-col. 23, line 7);
- e. providing, at a location remote from the equipment unit, a central computer 3005 (Figure 4) having a database, said central computer having a second data transfer link whereby the central computer is in electronic communication with the portable computing device, said database having technical information relating to the equipment unit stored therein(Figure 4, ref. 3003);
- f. performing an inspection or maintenance task on the equipment unit (i.e. aircraft) (e.g. abstract);
- g. entering task performance information into the portable computing device relation to the performance of said inspection or maintenance task (Figure 7);
- l. electronically transmitting a signal, corresponding to said task performance information, from the portable computing device to the memory

Art Unit: 2143

button via said first link and the memory probe, so as to store performance information on the memory button (col. 14, lines 43-45).

8. Regarding claim 2, PDA, see col. 22, lines 60-65.
9. Regarding claim 3, computer network, this is an inherent feature of the system.
10. Regarding claim 4, wireless link, see Figure 27, ref. 4003.
11. Regarding claims 5-7 and 9, these are all inherent features of the system.
12. Claims 10-16, 18, 20-25 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoob.

14. Referring to claims 8 and 17 (e.g. exemplary claim 8), Yacoob discloses the invention substantively as described in claim 1. Yacoob does not specifically state that

Art Unit: 2143

the computer network server is protected by a firewall. "Official Notice" is taken that both the concept and advantages of providing for a firewall to protect a server is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to provide for a firewall to the system of Yacoob in order to provide a level of security to ensure sensitive data does not reach those who wish to do malicious harm (i.e. viruses, Trojan horses, etc.).

15. Referring to claim 19, Yacoob discloses the invention substantively as described in claim 18. Yacoob does not specifically disclose downloading data to a user computer and storing a backup copy of the data on the user computer. "Official Notice" is taken that both the concept and advantages of providing for storing a backup copy of data on a user computer from a database is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to provide for storing a backup copy of data on a user computer from a database to efficiently ensure the data is protected thereby to enhance the security of the data the comprises the maintenance information of Yacoob.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fieramosca et al. (USPN 5,950,149) (hereinafter Fieramosca) in view of Flicker, Jr. et al. (USPN 6,101,433) (cited by Applicant in IDS) (hereinafter Flicker).

Art Unit: 2143

16. Regarding independent claims 1 and 10 (exemplary claim 1), Fieramosca discloses system of accessing and storing inspection and maintenance information of an equipment unit (e.g. abstract) regarding the steps of:

regarding step c, portable computing device, see Fieramosca Fig. 1, ref. 18;

regarding step d, first data xfer link, see Fieramosca Fig 1. ref. 88;

regarding step e, central computer, see Fieramosca Fig. 1, ref. 84;

regarding step f. second xfer link, see Fieramosca Fig 1. ref. 86;

Fieramosca does not specifically state comprising a memory button and a memory button probe. In analogous art, Flicker discloses another system of accessing and storing inspection and maintenance information which includes memory buttons on equipment (e.g. abstract; Figure 1, ref. 100) and a memory button probe adapted to transfer data to and reading data stored in the memory buttons (it is inherent that the data is able to be written into the memory button, otherwise the information would never get there) (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Flicker with Fieramosca in order to efficiently store more information on the vehicle (in memory) rather than the limited information storage using the bar code system of Fieramosca, which is subject to optical interference that corrupts the data being transferred as supported by Flicker (col. 2, lines 22-29).

17. Regarding claims 2-9, they are all inherent features of the system.

18. Claims 10-20 are rejected for similar reasons as stated above.

Response to Arguments

19. Applicant's arguments filed April 16, 2005 have been fully considered but they are not persuasive.

20. In the remarks, Applicant argues, in substance, that (1) the portable computing device of Yacoob is not portable in the same sense as the portable device of the present invention, (2) the smart card of Yacoob is not installed in proximity to a selected specific inspection and maintenance point, (3) Flicker in view of Fieramosca do not disclose storage or retrieval of user-definable inspection and maintenance information.

21. As to point (1) even though it is not portable in the same sense, this feature of Yacoob still reads upon the claimed limitation. Yacoob does, in fact, disclose a portable computing device, since the car which reads the smart card can move. Furthermore this is not a patentably distinct feature of any system since any computer can be rendered portable by physically moving it to a different location. By this rationale, the rejection is maintained.

22. As to point (2) Applicant is using the term "proximity" as a patentable feature, however does not specifically disclose how the term is used. The term is a degree term and, as disclosed in the rejection under 35 USC 112 above, is unable to be determined

from the scope of the claim, and since it can be in communication with the computer, it is considered in proximity. By this rationale, the rejection is maintained.

23. As to point (3) In response to applicant's arguments, the recitation "accessing and storing data pertaining to inspection and maintenance of an equipment unit" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore Applicant is advised that this limitation is very broad and does not limit to any feature of data, since any data pertaining to any testing or diagnostic data such as testing results, any values, etc. can be construed as data pertaining to inspection and maintenance of equipment. By this rationale, the rejection is maintained.

Conclusion

24. After a thorough review of the specification by the Examiner of Record, as well as a Primary Examiner skilled and familiar with the art, it cannot be determined if there is any patentable subject matter since Applicant is utilizing language open to broad

interpretation. Applicant has provided no pertinent and reasonable arguments as to why this invention is patentable, as well as amend the claims only superficially, and thereby not further advancing prosecution of the case. It is advised that Applicant review the specification and thereby amend the claims to further advance prosecution of this case.

25. Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response. Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action are now established as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

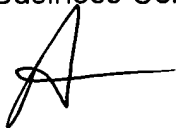
Art Unit: 2143

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



May 4, 2005



**WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER**